

REMARKS

Claims 17, 18, 21 and 22 remain pending. In response to the non-final Office Action dated August 24, 2006, claims 17 and 18 have been amended. Care has been taken to avoid adding new matter. Favorable reconsideration of the application is respectfully solicited.

Claims 17, 18, 21 and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent 6,805,985 (Yamada). In response, claims 17 and 18 have each been amended to further require that the ion-exchange resin is made of sulfonic acid type perfluorocarbon polymers, polysulfone resins, or phosphonic or carboxylic perfluorocarbon polymer. It is submitted that neither Yamada nor any of the references of record discloses or suggests that the catalyst layer includes both the ion-exchange resin as described above and the fullerene derivative.

In a non-humidified, or only slightly humidified state, the proton-conducting substance included in the catalyst layer and made of a fullerene derivative has proton conductivity even in a water deficient condition, with the result that the catalyst layer has good proton conductivity. In contrast, in a fully humidified state, the ion-exchange as described has a better proton conductivity.

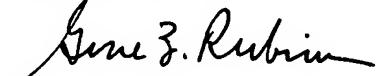
Thus, by allowing the catalyst layer to include both the ion-exchange resin as described above and the fullerene derivative, reduction in output due to local water-deficient condition occurring in a fuel cell generating electric power in a humidified condition is mitigated.

Accordingly, as Yamada does not disclose or suggest the claimed features, withdrawal of the rejection and allowance of the application are respectfully solicited. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any

shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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